

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 1, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Regarding the §112, second paragraph, rejection of Claims 9, 10, 22 and 23, as allegedly being indefinite due to insufficient antecedent basis, Applicant respectfully traverses. Applicant notes that the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. MPEP §2173.05(e) states that “If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. *Energizer Holdings Inc. v. Int’l Trade Comm’n*, 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006)(holding that “anode gel” provided by implication the antecedent basis for “zinc anode”); *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992) (“controlled stream of fluid” provided reasonable antecedent basis for “the controlled fluid”).” Claims 9, 10, 22 and 23 characterize “giving said signal”, and their respective independent claims include limitations directed to “giving signaling”. Therefore, a skilled artisan would reasonably ascertain that the “signal” of Claims 9, 10, 22 and 23 is that which was given. However, in an effort to facilitate prosecution, each of the rejected claims has been amended to provide explicit antecedent basis for the objected-to term in these claims. Thus, the claims are not believed to be indefinite, and Applicant accordingly requests that the rejection be withdrawn.

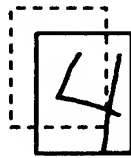
Applicant respectfully traverses the §103(a) rejections based at least in part upon the teachings of U.S. Patent No. 6,369,802 to Ebisawa (hereinafter “Ebisawa”) because Ebisawa does not teach or suggest each of the asserted limitations. More specifically, Ebisawa does not teach giving signaling for indicating that a touch for symbol creation remains on an enlarged contact area and interrupting the signaling if the touch moves outside the enlarged contact area, as claimed. In contrast to the Examiner’s assertion at page eleven, Ebisawa’s teachings at column 5, lines 5-20 do not teach such limitations. Rather, this portion describes determining whether a pen has approached a tablet in an

intention to fill the form (lines 8-14). Thus, no character has been entered as the pen has only approached the tablet at this stage. The further portion at lines 15-35 merely describes how useless data input can be avoided in advance by determining whether a pen has approached the tablet when an alarm flag is ON or OFF. The alarm flag remains on when required preparations for accepting handwritten data from the tablet have not been completed such that if the pen approaches the tablet before such preparations are completed (while the alarm flag is ON), a buzzer is activated to notify that subsequent data input will be invalid. Therefore, this alarm cannot correspond to the claimed giving signaling as the pen has not touched the tablet when the signal is activated. Moreover, any asserted signaling used in the detection of the pen would also not correspond to the claimed limitations as such detection signaling is not “signaling for indicating that the touch for symbol creation remains on the enlarged contact area”. Thus, Ebisawa does not teach at least giving signalling for indicating that the touch for symbol creation remains on an enlarged contact area for symbol creation.

It is noted that the use of the word “remains” indicates that the touch for symbol creation has already started; therefore, symbol creation has been initiated. In direct contrast to the assertion at the bottom of page ten of the Office Action, the pending claims include limitations directed to giving a signal where symbol creation has started in that at least Claim 1 includes limitations directed to “giving signaling for indicating that the touch for symbol creation remains on the enlarged contact area for symbol creation”. An indication that a touch remains in a contact area for symbol creation at least implicitly indicates that the touch started therefore symbol creation started, and the signal was given in response to the start of symbol creation (touch for symbol creation), as identified by the use of the word “remains”.

In addition, the expanded character frame shown in Fig. 15B would not suggest these limitations which are absent in Ebisawa. Each of the embodiments of Ebisawa has as a first step storing a character in a reference character frame for recognition of the character. Then as a second step described in connection with Fig. 15B, the character recognition

process is repeated using an expanded character frame. For a better understanding, Figs. 15A and B are reproduced below.



**REFERENCE
CHARACTER
FRAME**

**"L" IS
RECOGNIZED**

FIG.15A



**EXPANDED
CHARACTER
FRAME**

**"4" IS
RECOGNIZED**

FIG.15B

In direct contrast to the assertion at the top of page ten, the example described at column 10 lines 33-54 clearly states that first, a character recognition process is performed on an entered character in a reference character frame (step E1 and Fig. 15A) and the result is stored (step E2). Next, the character frame is enlarged (step E3) and the character recognition is repeated based on the enlarged character frame (step E4 and Fig. 15B). The same steps are repeated for each character. Recognition of a character cannot occur prior to a character being entered, and the steps of this example clearly show that the enlargement happens only after the character recognition process has been performed at least once on the basis of the reference character frame. Thus, any enlargement occurs after a character has already been entered and the touch for symbol creation no longer remains. This also means that Ebisawa's expanded reference frame is not an enlarged contact area, as claimed, because any contact with the tablet has already occurred. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejections are improper. Applicant accordingly requests that the rejections be withdrawn.

Also, the cited portion at column 5, lines 5-20, does not teach interrupting a signal if a touch moves outside an enlarged contact area, as claimed. In contrast, the cited portion of Ebisawa teaches that prior to accepting any symbols the CPU determines whether a

detection alarm flag is ON or OFF. The alarm flag is ON if the appropriate preprocesses (*e.g.*, processes required before any handwriting is accepted) have not been completed. At column 5, lines 34-35, Ebisawa specifically teaches that, “No alarm tone is generated if the above-described preprocesses have been complete.” Thus, Ebisawa teaches that any alarm that is generated would be done before any handwriting data is accepted by the tablet and any interruption of the alarm could not be due to a touch moving outside a designated area as no touch occurs when the alarm is sounded. Therefore, the relied-upon alarm function cannot correspond to the claimed signaling, or interruption thereof, during symbol creation.

As also argued previously, Ebisawa does not teach or suggest interpreting directly a symbol in an enlarged contact area for symbol creation. Rather, Ebisawa teaches that character recognition is carried out using multiple character frames and a reference frame to determine candidate characters so that the correct candidate may be selected and entered. *See, e.g.*, column 7, lines 4-22. Thus, the character in Ebisawa’s enlarged reference frame is not necessarily interpreted for symbol creation, as claimed. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper.

Further, the requisite motivation to modify the teachings of Ebisawa, as asserted, has not been presented. For example, the assertion that Ebisawa’s expanded reference frame provides a graphical or visual indication as to where the boundary of the frame is located is entirely unsupported as Ebisawa makes no indication that the expanded character frame would be visually indicated to a user. The dotted outline of the expanded frame is shown merely to illustrate how the frame is expanded but is not identified as being visible to an actual user. Thus, the asserted motivation for modifying Ebisawa is unsupported and illogical. Applicant accordingly requests that the rejection be withdrawn.

With respect to the §103(a) rejection of various dependent claims based upon the further teachings of U.S. Patent No. 5,502,461 to Okamoto *et al.* (hereinafter “Okamoto”), Applicant respectfully traverses because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. As discussed above, Ebisawa does not teach or suggest each of the purported limitations of the independent claims, and the teachings of Okamoto have not been shown to overcome the above-discussed deficiencies.

As each of the rejected dependent claims includes the above-discussed limitations of the independent claims and absent in Ebisawa, the asserted modifications of Ebisawa would also fail to teach or suggest each of the limitations of the rejected dependent claims. Applicant accordingly requests that each of the §103(a) rejections be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.041PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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